

EXHIBIT 6

1 that at all?
 2 A. No.
 3 Q. Are you aware of any -- are you aware of how
 4 the union proceeded in Shotsay's grievance?
 5 A. I am not. I did participate in a meeting
 6 explaining the hire hall process, but I don't know the
 7 integral movements of the grievance.
 8 Q. In Shotsay's situation, would it have been the
 9 normal course for her grievance to be sent to a panel?
 10 A. Well, again, this is a contract grievance for
 11 hire -- you know, the hire hall circumvention. I would
 12 say it would go to a panel, yes, if that's what's in
 13 their contract.
 14 Q. And the union normally doesn't -- or does base
 15 its decision on how to proceed to arbitration on that?
 16 A. I can't speak for everybody. I would
 17 certainly take it to consideration if I were handling the
 18 panel.
 19 Q. How does a panel of people who have never
 20 worked with an employee before understand the issues in
 21 the grievance?
 22 A. I don't know.
 23 Q. Have you ever been on a panel or coordinated
 24 with a panel that is convened for an employee that hasn't
 25 yet been hired?
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1 A. No.
 2 Q. Is it a general practice during these panels
 3 for the business agent to make some kind of presentation
 4 or inform the employee of facts of the case?
 5 A. I need clarification.
 6 Q. Let me try to clarify. The panel is convened
 7 of union members who are employees of the company,
 8 correct?
 9 A. No.
 10 Q. No?
 11 A. In most cases, both union and company
 12 employees.
 13 Q. You mean union employees that work for
 14 Teamsters.
 15 A. Teamsters represented members who are employed
 16 and employer management people.
 17 Q. And so what I'm trying to figure out is, how do
 18 they know how to vote? How are they informed of the
 19 issues in the grievance?
 20 A. I would say a general overview of what the
 21 issue is from the business agent in comparison to the
 22 contract.
 23 Q. Does the employee have the right to be present
 24 at this panel?
 25 A. Certainly.
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1 Q. Is it your practice as a business agent to
 2 notify the employee of the convening of the panel?
 3 A. Yes.
 4 Q. Sitting in front of you there is Exhibit 7 --
 5 or is it 6? I had that wrong in my notes.
 6 Do you recall receiving this letter from United
 7 Freight?
 8 A. I did not receive it from United Freight.
 9 Q. Okay. How did you receive that letter then?
 10 A. I believe that I had inquired about the
 11 company's response to a meeting that had taken place in
 12 explaining the hire hall process, and I was copied on it.
 13 Q. And after receiving this letter you then wrote
 14 a response to the letter. Do you recall that?
 15 A. I wrote a memo to Mike Jones, not a response to
 16 Frank.
 17 Q. Okay. So tell me what the difference is.
 18 A. Well, if I had received the letter from Frank,
 19 a response would be my reply to Frank. I had asked for a
 20 copy of this out of our files because I had heard that it
 21 had been received, so I wrote a memo to Mike Jones.
 22 Q. And what did you tell -- just for
 23 clarification, your letter is stapled to the back of this
 24 exhibit; is that right?
 25 A. Yes. It's a memo not a letter.
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1 Q. I'm sorry. Your memo. And what was your --
 2 and why did you write a memo to Michael about this
 3 letter?
 4 A. I believe during the meeting that I
 5 participated in, when we were discussing the hire hall
 6 and how the employer and the dispatcher could proceed,
 7 that the grievance that was in play over the hire hall
 8 circumvention was discussed during part of the meeting.
 9 Not in great detail, but enough to where I felt like
 10 Frank had made a commitment to Mike that he was going to
 11 settle the grievance. And --
 12 Q. And how -- go ahead. I'm sorry.
 13 A. And when I received the letter and I read
 14 through it, I was very disappointed to see that that was
 15 not the case.
 16 Q. How did you think that the grievance was going
 17 to be resolved?
 18 A. I believed that they were going to hire
 19 Shotsay.
 20 Q. And after receiving this letter, you didn't
 21 believe they were going to settle the grievance in that
 22 way?
 23 A. Obviously.
 24 Q. Was it your understanding that United Freight
 25 was then refusing to hire Shotsay?
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Michael Killian

Deposition

December 7, 2005

1 working in there; Tom Evans, and Steve Trosberg
 2 (phonetic) and Scott Bridges.
 3 MR. EVANS: We'll mark this as Exhibit 21.
 4 (Exhibit 21 marked.)
 5 BY MR. EVANS:
 6 Q. Can you take a look at what's marked as Exhibit
 7 21. Is this a dispatch log that you created?
 8 A. Yes.
 9 Q. Under the number open, there's nothing listed.
 10 There's nothing I see.
 11 A. Appears that way, yes.
 12 Q. And under the number of people to be dispatched
 13 it says four?
 14 A. Yes.
 15 Q. Is there a reason why there would be nothing in
 16 the number open?
 17 A. I missed it.
 18 Q. And down below it says how many people -- can
 19 you determine from this how many people were dispatched?
 20 A. Five.
 21 Q. Okay. And can you tell me what dates they were
 22 dispatched on?
 23 A. Looks like April 1st.
 24 MR. EVANS: If we could take five minutes, I
 25 may have no more questions.

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1 between us.
 2 Q. If, in your checking her background, you would
 3 have found that she had no Port of Anchorage experience
 4 before you dispatched her, would you have -- normally,
 5 would you have attempted to try to bring her up to speed
 6 a little bit on the Port?
 7 A. I don't know that I would have. I look at
 8 these dispatches and I don't believe any of those people
 9 had that. And I just don't think it was an issue in the
 10 hire hall at that time.
 11 Q. Okay. When you had the meeting with
 12 Mr. Monfrey to go over the hiring hall practices that
 13 you just described, and Mr. Monfrey -- I guess you came
 14 to some kind of a resolution, you believed, that were the
 15 hiring hall practices?
 16 Do you recall talking about that meeting? Was
 17 Mr. Jones at that meeting as well?
 18 A. Yes.
 19 Q. Was Ms. Posciri's particular situation
 20 discussed at that meeting?
 21 A. There was some of the issues raised that they
 22 were talking back and forth about and that's what I
 23 referred to earlier.
 24 Q. Do you recall Mr. Jones asking Mr. Monfrey to
 25 hire back Ms. Posciri -- hire Ms. Posciri as a favor to

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1 (Off record.)
 2 BY MR. EVANS:
 3 Q. Mr. Killian, did you have any role in
 4 negotiating United Freight's collective bargaining
 5 agreement?
 6 A. No.
 7 Q. Have you ever served as a business agent for
 8 United Freight's contracting?
 9 A. Only relieving business agents while on
 10 vacation.
 11 Q. But you were never the primary assigned
 12 business agent?
 13 A. No.
 14 Q. Did you have any other role that -- any
 15 substantial role in interpreting or creating United
 16 Freight's collective bargaining agreement?
 17 A. No.
 18 Q. Earlier in your testimony you mentioned that
 19 there's a map of the Port of Anchorage in the dispatch
 20 office. Do you recall if you -- and you indicated that
 21 sometimes you give some people being dispatched some
 22 guidance as to how the Port operates.
 23 Do you recall if you gave Ms. Posciri any
 24 guidance using that map?
 25 A. No, I don't recall the Port issue coming up

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1 him because of political reasons?
 2 A. No.
 3 Q. Indicating that -- there was no discussion at
 4 that meeting about Ms. Posciri's husband supporting
 5 Mr. Kenny?
 6 A. No. There was some pleading about hiring her
 7 and, you know, restoring the situation, for a better
 8 word. And there was some pleading from Mike, but I don't
 9 recall that coming up when I was in the room.
 10 Q. Okay. Where did that conversation take place?
 11 A. It seems to me we were upstairs in their
 12 building -- their office building.
 13 Q. At United Freight?
 14 A. Yes.
 15 MR. EVANS: I don't have any more questions.
 16 FURTHER EXAMINATION
 17 BY MS. HEALY:
 18 Q. I have one follow-up question. Mr. Killian, is
 19 it your belief that the reason that Mr. Monfrey refused
 20 to hire Shotsay was because of her gender?
 21 A. I believe that at the time I thought that that
 22 had part to do with it, yes.
 23 Q. And has your belief changed?
 24 A. No.
 25 MS. HEALY: Okay.

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53 (Pages 206 to 209)

EXHIBIT 7



General Teamsters Local 959 State of Alaska

Affiliated with International Brotherhood of Teamsters

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October 2, 2003

Mr. Frank Monfrey
President
United Freight & Transport, Inc.
1701 E. First Avenue
Anchorage, AK 99501

Re: Shotsay Breaux, Refusal to Hire

Dear Frank:

Please consider this letter a formal notice of a Step 1 grievance being filed by Teamsters Local 959. The Company is in violation of Article 5, Sections 5.01 and 5.02, of the Collective Bargaining Agreement.

Ms. Shotsay Breaux was dispatched on September 19, 2003, to fill the second of three driver openings the Company had requested be filled through the Union's hiring hall. The Company, however, refused to hire her.

Ms. Breaux's work history is impeccable. It includes experience driving tractor-trailers and pulling freight. She has logged over twenty thousand hours of driving time over the past ten years and has a clean driving record. Her work history is extensive in comparison to the three members who were recently dispatched to the Company. Her driving time exceeds that of both other candidates referred.

There are currently no female drivers in the employ of the Company. Further, the Company has a history of not hiring female drivers. In dispatching Ms. Breaux, the Union furnished a qualified worker to fill the Company's available position. The Company has a contractual obligation to select an applicant on a non-discriminatory basis.

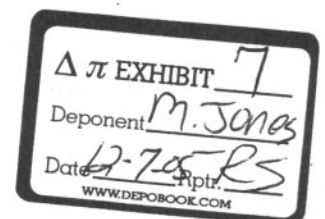
Please call me to schedule a meeting to resolve this issue. My office telephone number is 565-8272.

Sincerely,

TEAMSTERS LOCAL 959

Michael Jones
Business Representative

MJ03sep24UFATSBreauxGrv1



UFT-01426